

# In the United States Court of Federal Claims

No. 18-1820

Filed: November 2, 2023

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HARVARD PILGRIM HEALTH CARE, INC. *et al.*,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

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## ORDER

On October 31, 2023, the parties filed a Joint Stipulation for Entry of Partial Final Judgment. *See generally* Joint Stipulation for Entry of Partial Final Judgment, ECF No. 67. The parties advise that they agree that plaintiff Tufts Health Public Plans, Inc. (“Tufts”), is entitled to payment under Section 1402 of the Affordable Care Act, 42 U.S.C. § 18071, in accordance with the Federal Circuit’s rulings in *Community Health Choice, Inc. v. United States*, 970 F.3d 1364 (Fed. Cir. 2020), and *Sanford Health Plan v. United States*, 969 F.3d 1370 (Fed. Cir. 2020). The parties stipulate to partial judgment in favor of Tufts in the amount of \$8,370,566.22 on Count I of the First Amended Complaint, ECF No. 11 att. 1, insofar as it relates to unpaid cost-sharing reduction (“CSR”) payments through December 31, 2017, with each party to bear its own costs, attorney fees, and expenses. The parties also stipulate to partial dismissal with prejudice of Count II of the Second Amended Complaint, ECF No. 19 att. 1, as it relates to Tufts’s claim for CSR payments through December 31, 2017.

Pursuant to Rule 54(b) of the Rules of the United States Court of Federal Claims, and there being no just cause for delay, the Court hereby directs the Clerk to enter judgment on Count I of the Amended Complaint in favor of plaintiff Tufts in the amount of \$8,370,566.22 for CSR payments through December 31, 2017. The Court further **ORDERS** that Count II of the Second Amended Complaint is dismissed in part with prejudice insofar as it relates to plaintiff Tufts’s claim for CSR payments through December 31, 2017.

**IT IS SO ORDERED.**

s/ Loren A. Smith

Loren A. Smith,  
Senior Judge